

Local Government Meetings (revised 10/17/02)

Introduction	1
Preparing for Meetings	2
Agenda	2
Preparing an Agenda	2
Reports of Officials and Committees.....	2
Communications and Public Requests to Speak	2
Public Hearings.....	3
Unfinished Business	3
New Business.....	3
Public Notice	3
How Do You Conduct a Meeting?	4
Selecting a Meeting Place.....	4
Conducting a Meeting	4
Speaking	6
Motions	6
Voting	7
Other Meetings	9
Executive Sessions	9
Work Sessions	10
Meeting Record	10
Taking Minutes.....	10
The Contents of Minutes	10

Introduction

A local government conducts its business at regularly scheduled meetings that are open to the public. This section presents rules and procedures that mayors, administrators, and clerks can use to assist the governing body in handling its meetings. We cover the following topics:

- Preparing for local government meetings.
- Conducting meetings of the governing body.
- Conducting other types of meetings.
- Meeting record/minutes.

In this section we have samples that illustrate a typical local government meeting agenda and present a ‘Rules of Procedure’ ordinance. The reader will find additional information and useful examples in the Municipal Clerk's Handbook. Contact the Alaska Association of Municipal Clerks or the Alaska Municipal League for a copy.

Preparing for Local Government Meetings

Everyone who attends should know what to expect before coming to a local government meeting. The mayor, manager, administrator, or clerk should establish a routine procedure for getting information to governing body members and the public before the

meeting date. This includes preparing an agenda, delivering it to members of the governing body, and posting it where residents can review it. If the governing body is scheduled to take up a complicated issue, copies of letters, memoranda, and other information should be delivered with the agendas to help members familiarize themselves with the topic.

Agenda

An agenda is simply a plan for a local government meeting. It lists the items of business to be taken up at the meeting in the order that they will be considered. An agenda helps to organize a meeting into manageable units, which enables the governing body to handle its business in an orderly way. In addition, it is used to inform members and residents of what topics will be considered at the meeting. Each agenda should indicate the date, time of day, and location of the meeting in its heading.

Preparing an Agenda

Each clerk or administrator probably has a system for preparing an agenda. The sample agenda on the next page shows a commonly used order of business. The sections of the agenda titled “call to order,” “roll call,” “minutes of previous meeting,” and “adjournment” require no special preparation. “Public participation,” “member comments,” and “mayor’s comments” give the public and elected representatives a chance to comment on subjects they feel are important to the municipality. These items also require no preparation on the part of the clerk or administrator. The remaining sections of the agenda, however, are not as simple and will be explained more thoroughly.

Reports of Officials and Committees

The report section can be broken down into two main categories: committee reports and individual reports. Local government committees often meet to do detailed work that cannot be adequately handled by the full membership. If any committees have met since the last meeting of the governing body, the leadership of each committee should be prepared to report on any recommendations or findings of the committee. The clerk or administrator will remind the committee members that they will be expected to discuss their work if the committee is listed under the report section.

The mayor, administrator, or clerk may want to report on their activities during this part of the meeting. If any of the members travel on behalf of the local government, they should also report on meetings or conferences they attended.

Communications and public requests to speak

This part of the agenda is reserved for the clerk, administrator, or mayor to report on correspondence, telephone conversations, or meetings that are of importance to the municipality. Every letter or phone call does not need to be reported; only important

letters or calls should be mentioned.

Persons who are not municipal officials may also speak before the governing body during this part of the meeting. Persons wishing to address the governing body should inform the clerk or administrator before the agenda is prepared that they wish to speak on a specific topic.

Public Hearings

State laws and usually municipal ordinances require a municipality to hold public hearings before taking certain actions, such as enacting an ordinance. A public hearing differs from a regular public meeting. Each person's testimony at a public hearing is written down, into the public record of the hearing exactly as it is spoken, rather than summaries of the comments. Public hearings may be scheduled as part of a regular meeting or as a special meeting. The advantage of having hearings during a regular meeting is that the governing body can handle all of its business at one time. One thing to consider is that a public hearing at which many residents testify may last several hours and not allow the governing body enough time to consider other important business. When the municipality is to hold one or more public hearings, the clerk, administrator, mayor, or governing body must decide whether to include them on the regular meeting agenda or to schedule a special meeting for the public hearings.

Unfinished Business

Unfinished business is designed to allow the governing body to take up matters that have been discussed at prior meetings but have not yet been resolved. The person preparing the agenda should review the previous meeting's agenda and minutes and make a list of those items that were discussed but not disposed of through a motion, resolution, or ordinance.

Sometimes a subject is discussed and then referred to one of the local government committees. If this is done, the subject should not be scheduled for consideration until the committee is ready to make a formal report and/or recommendations. The clerk should check with the chair of the committee to see if the committee has met on the subject and is prepared to make a report to the full membership.

New Business

This part of the agenda is reserved for business that has not yet come to the attention of the governing body. The clerk or administrator should include any recent problems or concerns under this section. The mayor or members may also suggest items that should be presented to the governing body under this section.

Public Notice

The purpose of a public notice is to tell people that a meeting is going to occur so that they may attend the meeting. The idea is to inform as many residents as possible. The

notice may be broadcast over television or radio or printed in a local newspaper. Notices should be posted in at least three public places where the residents can see it. Notices of public hearings held to take testimony on ordinances before the municipality must be given at least five days before the meeting. Five days is a good rule-of-thumb for the notice period for all types of public meetings.

An agenda is a form of public notice that announces a meeting. But there are other types of public notices that a municipality may issue. Alaska's Open Meeting Act (AS 44.62.310 – .312) requires municipalities to give public notice for all meetings of the local government and its committees, subcommittees, boards, commissions, and administrative bodies. Governing body members, even meeting informally, should avoid any discussion of public business unless the meeting is open to the public and reasonable notice of their meeting has been given. The example of a notice shown here includes the date, time, and place of the meeting. These items are the minimum information that should be included in a public notice of a meeting.

How Do You Conduct a Meeting?

Selecting a Meeting Place

The local government regularly meets at an established location. However, the customary room may not be suitable for some meetings and an alternative meeting place must be selected. For example, more people than the regular room can accommodate may be expected to attend a public hearing on an important or controversial issue. Consider the following questions when selecting a meeting place for a special meeting:

1. Is the meeting place conveniently located for the people who are expected to attend?
2. Can the meeting room comfortably accommodate the number of people who are expected attend?
3. Does the room have good ventilation, conveniences, and can people be heard easily?
4. Are facilities accessible and available for the disabled?

Community halls or school gyms are often used when large audiences are expected.

Conducting a Meeting of the Governing Body

The business of a municipality is handled at formal meetings. In certain situations, other types of sessions may be used, but the council or assembly meeting is where all the major decisions that affect a municipality are made. A quorum must be present to conduct an official meeting. A quorum is the majority of the total membership of the governing body. As an example, a city council quorum is four members. The procedures for governing bodies are listed in AS 29.20.160. (see below).

Sec. 29.20.160. Procedures of governing bodies. (a) The assembly shall elect from

among its members a presiding officer and a deputy presiding officer to serve at the pleasure of the members, except that in a borough that has adopted a manager form of government under AS 29.20.460 - 29.20.510 the mayor serves as presiding officer. In a city the mayor serves as presiding officer. If the presiding officer is not present or if the presiding officer is personally disqualified, the deputy presiding officer shall preside.

(b) A governing body shall hold at least one regular meeting each month unless otherwise provided by ordinance. If a majority of the members are given at least 24 hours oral or written notice and reasonable efforts are made to notify all members, a special meeting of the governing body may be held at the call of the presiding officer or at least one-third of the members. A special meeting may be conducted with less than 24 hours notice if all members are present or if absent members have waived in writing the required notice. Waiver of notice can be made before or after the special meeting is held. A waiver of notice shall be made a part of the journal for the meeting.

(c) A majority of the total membership of a governing body authorized by law constitutes a quorum. A member disqualified by law from voting on a question may be considered present for purposes of constituting a quorum. In the absence of a quorum any number of members may recess or adjourn the meeting to a later date.

(d) Actions of a governing body are adopted by a majority of the total membership of the body. Each member present shall vote on every question, unless required to abstain from voting on a question by law. The final vote of each member on each ordinance, resolution, or substantive motion shall be recorded “yes” or “no”, except that if the vote is unanimous it may be recorded “unanimous”.

(e) A governing body shall maintain a journal of its official proceedings that shall be a public record.

(f) To the extent otherwise permitted by law, a governing body may determine by ordinance its own rules of procedure and order of business. (§ 7 ch 74 SLA 1985)

Many of the issues that will be handled by the governing body will be routine and easily resolved, but others may be controversial and cause a great deal of debate. The most important ingredient for good meetings is order. The responsibility for maintaining order rests with the presiding officer.

To maintain order, a local government should adopt an ordinance containing the rules of conduct for official meetings.

Contact the Department of Community and Economic Development for a model ordinance setting up the rules of conduct. Rules that are adopted in the form of an ordinance will give local government meetings a legal foundation and will protect the governing body from arbitrary and unreasonable rulings of the presiding officer. The rules do not have to be complicated, but they should be based on accepted parliamentary procedure. The purpose of parliamentary procedure is to help the governing body come to decisions that are agreeable to a majority, while protecting the rights of the minority. The procedure is designed to allow everyone to state his or her opinion on an issue without spending too much time “overtalking” the subject at hand. In this section there are some basic rules for speaking, making motions, and voting.

Speaking

Rule 1: A speaker shall respectfully address the presiding officer, fellow members, and public participants at all times.

Rule 2: A speaker shall not talk about a motion until he or she has been granted permission to speak by the presiding officer. There are a few exceptions to this rule, but for the sake of order it is usually a good idea for the speaker to get recognition from the presiding officer before talking.

Rule 3: A speaker shall confine his or her comments to the subject before the group and try to keep all comments brief.

Rule 4: No member shall interrupt another while speaking unless it is to make an inquiry or point of order (raising a question about the correctness of a certain procedure).

Motions

A motion is a proposal that the group take certain action. Proposals of action that carry out the normal business of the governing body are classified as main motions.

Parliamentary procedure provides that a governing body may consider only one main motion at a time so that there will not be confusion in the discussion and voting. Until a main motion that has been introduced for the consideration of the governing body is disposed of, no other main motion may be introduced.

In addition to main motions, other classifications of motions are subsidiary, privileged, and incidental. The purpose of subsidiary motions is to change or dispose of a main motion that is being considered. For example, the most common subsidiary motion is the motion to amend a main motion. The motion to amend must be disposed of first before returning to the main motion. Other types of subsidiary motions include the motions to close debate on, to table, to postpone, or to refer to a committee a main motion before the governing body.

Privileged motions are of such importance that they are entitled to immediate consideration. They have no connection to the main business of the governing body but have the privilege of setting the main business temporarily aside. Motions to adjourn, questions of privilege, points of order, and calls for the orders of the day are the main types of privileged motions.

Incidental motions do not apply directly to main motions but arise incidentally from the business of the governing body. Incidental motions address the procedures of the governing body meeting or decisions made by the mayor. They include points of order, appeals from decisions by the chair, objections to consideration (of main motions or questions of privilege just introduced), as well as motions to suspend the rules and to withdraw a motion. When an incidental motion is proposed, the governing body shall act on it before continuing consideration of subsidiary or main motions. It is recommended

that local governments obtain a reference book on motions that summarizes the parliamentary rules that govern each motion.

Voting

Rule 1: Votes on all matters considered by the governing body shall be taken by “yes” or “no” votes, which shall be entered into the record. All votes on ordinances, resolutions, or substantive motions shall be roll call votes. (A roll call vote records how each member votes on a particular question.)

Rule 2: Unless they are permitted to abstain from voting on a question, all members present must vote on every motion. If a local government official has a “substantial financial interest” in a question before the governing body, AS 29.20.010 requires that they state the interest and request to be excused from the vote on the question. The presiding officer then rules on the request. The members of the governing body may, by majority vote, override the presiding officer’s ruling. A member can abstain from voting on an issue only if permitted to by the presiding officer and/or the governing body.

Rule 3: The presiding officer shall announce the result of all votes. If there is any doubt about the outcome of a vote, the presiding officer will ask the members to restate their vote and will then restate the outcome. A member may change his or her vote up until the time the presiding officer announces the results of the vote.

Rule 4: At least four affirmative votes (if the governing body is 6 or 7) are required for the passage of an ordinance, resolution, or motion. A two-thirds majority is required to pass certain procedural motions.

Rule 5: The presiding officer may put a question in the following form: “Without objection, it will be so ordered.” If no objection is heard, he shall announce “It is so ordered,” which will have the same effect as if a motion to take action had been made and voted upon favorably. If any objection is made, the presiding officer shall not proceed further under this rule but instead shall call for a motion and handle the question in the regular manner. A member of the governing body may follow the same procedure by saying, “I move ... and ask for unanimous consent.” If there is no objection, the motion has the same effect as a motion getting an affirmative vote.

The graphic on the following page gives an example of the process a motion follows from introduction to passage. It illustrates how some of the basic rules are used in meetings. Some of the terms used in this example may seem odd. They are accepted terms in parliamentary procedure because of tradition and continued use. The governing body does not have to use these exact terms to conduct business, but standard terms that all members understand will help to avoid confusion and save time. If you do not understand any of these terms, look in the Glossary. This section covers only the basics of conducting local government meetings. To find out more, you should look at *Roberts Rules of Order Revised*, *Parliamentary Law at a Glance* by E. C. Utter, or *Parliamentary Procedures at a Glance* by O. Garfield Jones.

How A Motion Is Passed
(Second Class City Example)

Item of Business Introduced

Mayor Johnson: The next item on the agenda is Ordinance 02-7, an ordinance to control animals in our village. We have introduced and discussed this ordinance and have held two public hearings.

What is the council's pleasure? Ms. Leavitt.

Motion made

Ms. Leavitt: Mayor Johnson, I move that the council pass Ordinance -02-7 as written.

Seconded

Mr. Adams: I second.

Mayor Johnson: It is moved and seconded to adopt Ordinance 02-7. Is there any discussion?

Discussion

Ms. Leavitt explains that there must be an enforceable law on the books if we are ever to deal effectively with the problem of stray dogs and cats. Mr. Andrews agrees with the concept of the ordinance but argues that the fine for letting a dog run loose is too high.

Motion to amend main motion

Mr. Andrews: Mayor Johnson I move to amend the main motion by inserting "shall be fined \$10" for "shall be fined \$25" in section 5.7.100 of the proposed ordinance.

Fail for lack of second

Mayor Johnson: Is there a second? (Pause and silence.) The motion fails for lack of a second. Is there further discussion? Mr. Adams.

Previous question moved

Mr. Adams: I think this matter has been discussed enough. I move the previous question. (This motion is equivalent to saying, "I move we close debate and vote immediately on the pending question.")

Seconded

Ms. Baker: I second.

Call for vote on subsidiary motions

Mayor Johnson: The previous question has been moved and seconded. All in favor, say "yes."

Council: "Yes."

Passed (a 2/3 majority is required to pass a call for the previous questions)

Mayor Johnson: All opposed, say "no." (Silence.) The previous question is passed by a two-thirds vote. We are now ready to vote on the pending question of whether or not to adopt Ordinance 02-7. This requires a roll call vote. With the clerk please call the roll?

Vote on main motion

The clerk calls out each council member's name and records each vote. Five council members, including the mayor, vote "yes," while Mr. Andrews votes "no."

Motion passed

Mayor Johnson: There are five "yes" votes and one "no" vote. The motion to adopt Ordinance 02-7 is passed.

Other Meetings

Executive Sessions

Members of a governing body cannot just get together in private and discuss a matter that is of importance to the municipality. AS 29.20.020 requires that all local government meetings be open to the public, unless there is a legally sufficient reason to exclude the public. A meeting that does not allow the public to be in attendance is called an "executive session." AS 44.62.310(c) states when an executive session may be called.

If, during a public meeting, the presiding officer or any member feels that an executive session should be called, he should move to recess the public meeting and reconvene in executive session. State law permits only certain subjects to be discussed in a meeting closed to the public so the motion for an executive session must specify the subjects to be discussed. The motion requires a second and a majority of the governing body to vote yes. If passed, only those subjects either mentioned in the motion or related to the motion may be discussed in the executive session. As permitted by AS 44.62.310(c), the governing body may be called into an executive session to discuss:

- (1) Matters, the immediate knowledge of which would clearly have an adverse effect upon the finances of the public entity.
- (2) Subjects that tend to prejudice the reputation and character of any person provided the person may request a public discussion.
- (3) Matters which by law, municipal charter, or ordinance are required to be confidential.
- (4) Matters involving consideration of government records that by law are not subject to public disclosure.

No formal action may be taken during an executive session.

Confidential information may be discussed, and the governing body may informally decide they will take a certain action, but the formal action carrying out the decision must

be moved, normally seconded, and voted on during an open public meeting. This places the votes on the issue in the public record and allows the general public to observe their municipal government in open meeting.

An executive session may be scheduled to be held during a public meeting or may interrupt a public meeting, but the motion to have the executive session must be moved, seconded, and voted on in a meeting open to the public. This protects the residents from an overly secretive government and protects one of the citizens' basic rights, the right to know how and why decisions of the municipal government are being made.

Work Sessions

On occasion, a local government may be faced with a complex issue, which requires detailed study, and discussion before final action is taken. Subjects like new ordinances, the budget, reclassification, or creation of a borough may require a more informal atmosphere to “kick around” various ideas. These types of subjects can be better handled, at least in the initial phase, in a work session.

Work sessions, like formal meetings of the governing body, are open to the public. They differ from regular meetings in that the governing body cannot conduct formal business at work sessions. The members cannot make motions or vote on resolutions and ordinances. However, discussion that shapes a resolution or ordinance into final suggested form is allowable. To enable a free flow of ideas, work sessions are usually more informal than regular meetings, but some order is needed to insure a productive session. The municipality should, through an ordinance, adopt procedures for work sessions.

Meeting Record

Taking Minutes

Minutes must be taken for all regular and special meetings of the governing body. Minutes are a special type of notation that shows all of the important actions of the governing body. All minutes should be kept together in a journal, which should contain all of the minutes of the current fiscal year. It is a good idea to take and keep minutes in draft form until they have been corrected and approved by the governing body; then, they may be typed or neatly written into the journal.

The Contents of Minutes

Clerks and other people who take minutes of meetings are not always sure what types of action should be noted in the record. The example lists the important items, which should always be included in the minutes of a meeting. They include:

Item 1: The kind of meeting, “regular” or “special.”

Item 2: The name of the governing body, board, or committee.

Item 3: The date, place, and time of the meeting (if the time and place are always the

same this may be excluded).

Item 4: The presiding officer (usually the mayor), the recorder of minutes, and members present.

Item 5: Whether the minutes of the previous meeting were approved.

Item 6: All the main motions and points of order, whether passed or denied, and all other motions that were not withdrawn.

Item 7: The time the meeting was adjourned.

To finalize the minutes, they must be signed by the person who chaired the meeting, usually the mayor, and approved by the members at its next regular meeting. Then, the clerk should sign the minutes to attest to, and enter the date of the member's approval. The form of the minutes may vary as long as they contain these seven elements. The format should remain consistent, and once a form is adopted it should be continued. The example below shows one type of format for minutes of council meetings.

Minutes of
Goose Point City Council
Regular Meeting of November 16, 2000

The meeting was called to order by Mayor Johnson at 7:35 PM in the Goose Point School multi-purpose room. Council members Adams, Andrews, Baker, Ivan, and Leavitt were present. The minutes of the previous regular meeting were read and approved.

Mayor Johnson reported on his trip to Juneau and meetings with legislators. Ms. Baker gave the Finance Committee's report. Mr. Ivan moved acceptance of the report, it was seconded, and approved by voice vote.

Mr. Andrews presented the Land Committee's report on 14(c)(3) land reconveyances. This was referred back to committee for further consideration.

A motion to purchase a desk for the city office was made by Mr. Ivan, seconded and lost.

Under new business, Ms. Leavitt moved, and it was seconded, to direct the city clerk to prepare and submit the city's application for state revenue sharing. This was approved.

Mr. John Charles addressed the council about the problem of beach erosion near his house. Mr. Adams moved that the mayor appoint a three-person committee to look into the erosion problem and report back to the council. The motion was seconded and carried. Mayor Johnson asked the council if there were volunteers to serve on the committee. Mr. Adams, Ms. Baker, and Mr. Ivan volunteered. Mayor Johnson appointed each to the committee and named Mr. Adams chairman.

The meeting adjourned at 10:20 PM.